

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CLARK A. WREN,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 10-cv-174-MJR
)	
FAYETTE COUNTY JAIL,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

Petitioner brought this *pro se* habeas corpus action pursuant to 28 U.S.C. § 2241 to challenge his 2007 conviction in state court (St. Clair County, Illinois) for possession of a controlled substance for which he appears to have been placed on probation for 24 months. At the time he filed the instant action, Petitioner was being held pending resolution of federal criminal charges. *See United States v. Wren*, Case No. 3:09-cv-30035 (S.D. Ill.). Petitioner contended that the earlier state conviction was being used against him in the federal criminal case.

After reviewing the habeas petition, this Court found that Petitioner was not entitled to relief under 28 U.S.C. § 2241. *See* (Doc. 4). However, the Court informed Petitioner that it could re-characterize the instant action as Petitioner's first habeas petition pursuant to 28 U.S.C. § 2254. *Id.* Before re-characterizing the instant § 2241 action as one under § 2254, the Court first gave Petitioner notice that any subsequent § 2254 action may be subjected to the restrictive conditions imposed by federal law on "second or successive" § 2254 petitions, 28 U.S.C. § 2244(3)(a), and provided Petitioner an opportunity to withdraw or amend his pleading. *Id.*; *Castro v. United States*, 540 U.S. 375, 377 (2003). Petitioner has informed the Court that he wishes to withdraw his habeas

petition (Doc. 5).

DISPOSITION

IT IS HEREBY ORDERED that Petitioner's petition for a writ of habeas corpus is voluntarily **DISMISSED** without prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. All pending motions are **DENIED** as moot. The Clerk of Court is **DIRECTED TO CLOSE THIS CASE**.

IT IS SO ORDERED.

DATED this 5 day of August, 2010.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge